

## Presidents' Powers.

## OLNEY'S CLAIMS SAID TO BE WELL FOUNDED.

WASHINGTON, Dec. 20.—There is every reason to believe that Secretary Olney's declaration that recognition is exclusively an executive function was not made until after that cautious and thorough deliberation which characterized his conduct of the negotiations with Lord Salisbury over the Venezuelan controversy and the other important official matters which have called for his decisions since he entered President Cleveland's cabinet as attorney general, nearly four years ago. It is well known in the highest official circles, especially in the cabinet, that questions of presidential prerogatives were forced upon him by his colleagues among the executive's advisers at the outset of this administration in connection with the perplexities that arose in the Hawaiian affair when the executive was placed in direct antagonism with congress. The paramount mission of Commissioner Blount to Honolulu was understood to have been undertaken with the attorney general's full endorsement and all the subsequent acts of the administration with regard to the mid-ocean republic were said to have had his approval if indeed they had not been inaugurated at his suggestion.

In his official capacity Mr Olney was most intimately associated with the President in the steps which were taken to suppress the great railway riots by the use of Federal troops and throughout his occupancy of the department of justice he was constantly called upon to declare the limitations of executive power under the Constitution.

The sharp demarcation of congressional and executive functions with respect to purely international matters was presented to him as the legal adviser of the President upon the adoption of the Hoar Turkish resolutions and at that time it was understood that such instructions to the President by congress whether in the form of concurrent or joint resolutions, did not require compliance. The President neither signed nor disapproved the resolutions, nor did he transmit them to the Ottoman Porte.

The Cuban resolutions were similarly ignored, though at the time of their adoption it was generally understood that Secretary Olney had reached the conclusion that their effect was exclusively advisory, however mandatory their language might be. This decision was due, in part at least, to the dictum that congress could not be expected to know as much about the subject as the executive, and was therefore not in a position to judge what ought to be done. The information possessed by the administration was not of the nature that could be communicated to congress compatibly with the public interest, and this recognition of an executive prerogative in foreign matters which has always received the acquiescence of congress, is considered a fundamental point against congress in the controversy that Secretary Olney's statement of yesterday has provoked.

There are some very interesting precedents in support of Secretary Olney's contention, their applicability being dependent, however, on the constitutional stipulations as to the powers of congress contained in Art. 1, Section 8, and as to the executive authority in Art. 2, Section 3. It is pointed out by state department officials that congress has never been confirmed by the supreme court in its assertion of any powers not expressly given to it by the Constitution. Its only international functions relating to the present question are to "regulate commerce with foreign nations," "to define and punish piracy and felonies committed on the high seas and offenses against the law of nations," and "to declare war, grant letters of marque and reprisal."

The President alone, on the other hand, according to the Constitution, is empowered to "receive ambassadors and other public ministers." It is this provision which is held to give him exclusive jurisdiction in the recognition of other nations.

In the event of recognition of either of the belligerency or independence of Cuba, the first result would be the appearance of an accredited minister or other emissary of that island. The contention is that, under the Constitution, the President is the sole judge as to whether such emissary shall be received. Precisely this emergency has arisen in the past few weeks. The Greater Republic of Central America has come into existence and its accredited minister, Mr. Rodriguez, has been in Washington a fortnight. He has not been received by the President nor has the American charge d'affaires at Managua, Nicaragua, been authorized to formally recognize the new arrangement.

The President took his own time in recognizing the provisional government of Hawaii and also the Dole government. Frequently, prompt recognition of a foreign government has taken place without any thought of the possible approval or disapproval of congress, notably when President Harrison acted on the practical termination of the Chilean revolution. The same was also the case upon the establishment of the present republic of France and the republic of Brazil. Another recent case of the exercise of the President's authority in receiving and dealing with foreign ministers occurred in the dismissal of Sackville-West, the British minister. While this caused no dis-

ruption of our relations with England, it is held that it showed the President's power to act altogether without consulting congress, and it was an instance of an executive action which might have led to war. In this connection it is also pointed out that while congress can alone declare war, it is clearly within the power of the President by his own action to bring about a war, which if declared by an opponent, would create a condition he would be compelled to meet until congress could assemble and act, especially if hostilities were provoked on our coast.

## Thurston for Recognition.

New York, Dec. 19.—United States Senator John M. Thurston of Nebraska, a very intimate friend of President elect McKinley, has decided opinions on the subject of the proposed recognition of Cuban independence. The Senator said to a reporter to-day:

"I have thought for sometime that the condition of things in Cuba could not be allowed to exist indefinitely, and I now think the time has come to take whatever action we properly can to bring the trouble to an end."

"I believe the Cubans have demonstrated that they are able to hold out against Spain for any length of time, in spite of the extraordinary efforts of the mother country to quell the uprising."

"That being the case I believe we are justified in bringing about the independence of the Cuban people."

## Olney's Opinion of the Resolution.

May Raise Expectations and In flame Passions, But Will Not Change Cleveland's Views.

WASHINGTON, Dec. 19.—Secretary Olney being asked his opinion as to the nature and effect of the proposed resolution recognizing the independence of the republic of Cuba, said to a Southern Associated Press reporter: "I have no objection to stating my own view of the resolution respecting the independence of the so-called republic of Cuba, which is to be laid before the senate on Monday. Indeed, as there are likely to be serious apprehensions regarding such resolution, both in this country and abroad and as such apprehensions may have injurious results of grave character, it is perhaps my duty to point out that the resolution, if passed by the senate, can probably be regarded only as an expression of opinion by the eminent gentlemen who vote for it in the senate, and, if passed by the house of representatives, can only be regarded as another expression of opinion by the eminent gentlemen who vote for it in the house. The power to recognize the so-called republic of Cuba as an independent state rests exclusively with the executive. A resolution on the subject by the senate or by the house, by both bodies or by one, whether concurrent or joint, is inoperative as legislation and is important only as advice of great weight, voluntarily tendered to the executive regarding the manner in which he shall exercise his constitutional functions. The operation and effect of the proposed resolution, therefore, even if passed by both houses of congress by a two-thirds vote, are perfectly plain. It may raise expectations in some quarters which can never be realized. It may inflame popular passions both in this country and elsewhere, may thus put in peril the lives and property of American citizens who are resident and traveling abroad and will certainly obstruct and perhaps defeat the best interests of this government to afford such citizens due protection. But except in these ways and unless the advice embodied in the resolution shall lead the executive to revise conclusions already reached and officially declared, the resolution will be without effect and will leave unaltered the attitude of this government towards the two contending parties in Cuba."

## Specimen Spanish Outrage.

New York, Dec. 19.—Jose Delgoda and Jose M. Delgoda, father and son, American citizens, who are pressing a claim for damages against Spain on account of the outrages by Spanish troops, left New York for Washington to-day. The younger Delgoda, describing the descent upon their plantation by the Spanish soldiers, said: "The Spaniards destroyed everything we had. They devastated our fields, they burned our crops, they murdered our servants, and that they did not murder us was not because they did not try. I was shot, along with my servants. We were all taken to the place of execution together. General Melguizo slapped me in the face to show his contempt for Americans. As he struck me he said: 'That is what I would do to your consul general if I had him here.'"

SAN FRANCISCO, Dec. 20.—The Pacific Mail steamship China, which shipped for the Orient yesterday, carried an enormous quantity of cotton for the mills in China and Japan. The steamship Belgic, the next to sail from here, is also engaged to carry cotton. Formerly all cotton for the Orient went by way of New Orleans, but when the mills in China and Japan grew and multiplied, the demand became very great.

## BLOUNT SUSTAINS THE SECRETARY OF STATE.

MACON, Dec. 20.—Hon James H. Blount, a representative in congress from Georgia for 20 years special commissioner to Hawaii, in an interview which will appear in the Macon Telegraph in the morning, relative to the right of congress or the President to recognize a new foreign state, says:

"It is an executive prerogative. There is no doubt about it. In fact, this is the first time that the executive authority has been seriously questioned. It might be claimed with as much propriety, by the champions of the right of congress to determine this matter, that congress has the right to name the diplomatic representatives of this government, its foreign ministers and consuls, and to exercise the functions of the department of state."

President Cleveland in his message took advanced ground on the Cuban question. He was thoroughly conversant with all the details when he wrote his message. He has intimated that it might be necessary for the United States to intervene, and when that time comes no one can doubt that the President will be equal to the emergency.

"A question involving international relations cannot be settled in a body where partisan considerations are the determining influence. In my public experience and as a member of the house committee on foreign affairs, I was taught the necessity of keeping questions involving the relations of our government with other nations, outside of partisan clamor."

The difference between printing and publishing was aptly defined by a young lady who said to her lover: "You may print a kiss on my cheek but you must not publish it." With that he locked the fair form in his arms and went to press.

## They are Sustained.

## Supreme Court Affirms Magistrates' powers.

The question of jurisdiction of Magistrates is settled. The Supreme Court says they have jurisdiction and the bugaboo raised by Judge Earle's decision has disappeared.

Following is the decision of the court filed yesterday:

The petitioners in this case having been brought before this court under a writ of habeas corpus heretofore issued for that purpose, and upon the return to said writ appearing that the prisoners are in the custody of the sheriff of Chester County, under a warrant of commitment issued by a Magistrate for said county, under a charge of assault and battery with intent to kill, and the petitioners having moved for a discharge from such arrest upon the ground that the Magistrate issuing the warrant of commitment was without jurisdiction in the premises, the only question presented for the consideration of this court is whether the said Magistrate had jurisdiction in the premises.

After a careful consideration of this question this court has reached the conclusion that the Magistrate had full jurisdiction in the premises.

It is therefore ordered that the motion for the discharge of the petitioners be refused, without prejudices to their right to apply for bail before any officer authorized to hear such applications as they may be advised. The reason for the conclusion herein above announced will be filed.

HENRY McIVER, C. J.  
December 18, 1896.

## Convict in Command.

JEFFERSON CITY, Dec. 20.—The source of last night's fire in the State prison has been traced to a gang of 33 convicts, some of whom fired a bundle of refuse under a stairway in the clothing department. This smoldered until nearly midnight, when it burst into a blaze. The incendiary act was no doubt done in a hope to escape in the excitement. Notwithstanding, the great excitement, Warden Pace and the guards at no time lost control of the prisoners. The clothing department is located in cell building No. 1, and while the guards were transferring the convicts from this building into cell building No. 3 two convicts attempted to escape, but both were captured before they got away from the building.

Great bravery was shown by the convicts who were released from their cells to help extinguish the fire. A convict from St. Louis, who at one time belonged to the fire department of that city, acted as captain to the State fire department and was practically chief, for he gave commands and the other leaders seeing his ability, gave way to him. The Star Clothing company, which is also situated in the same building as the state department, was at one time in great danger of having its entire stock of clothing destroyed. The goods that were cut Saturday were destroyed by fire and the remainder by smoke and water. The factory is in such a condition that the company will not be able to resume work for about two weeks. The loss to the State is about \$2,000 and to the Star Clothing company about \$1,000.

Gold and Silver Papers for sale by H. G. Osteen & Co.

Celluloid novelties for Christmas gifts for sale by H. G. Osteen & Co.

## An Attempted Assassination.

Special to The State.

JOHNSTON, Dec. 21.—On last Saturday evening as Mr. W. M. Hazel, who lives about three miles from Johnston, was on his way home, he passed a negro man on the road, who asked him to let him ride as far as he went towards Fruit Hill. Mr. Hazel asked him who he was and the negro replied that he meant no harm, but could not tell him. After some words of this character, Mr. Hazel suspected harm was intended and struck his horse and started off at a fast pace. Almost immediately there was a report of a gun and Mr. Hazel fell in the buggy and exclaimed: "Don't shoot any more: you've killed me." When he arrived home and a physician sent for, it was found that 13 perforations were in his overcoat, only one shot taking effect in his body, entering the right side just above the hip and passed straight through his body and lodging under the skin. The missile was extracted and found to be a round iron slug, about 1-8 inch thick and 3-4 long.

Monday morning a posse passed through Johnston with two negroes, Willis and Albert Hammond, who are strongly suspected, the former as an accomplice; the latter as the man did the shooting. It seems that old man Willis and his son, Albert, traded horses with Mr. Hazel and became dissatisfied and wanted to trade back, which Mr. Hazel refused to do unless they gave him \$5 "to boot." The young negro was much dissatisfied and went off mumbling. The parties seem to think they have conclusive evidence.

It is reported that the doctors think Mr. Hazel will get well should inflammation not set in.

Celluloid novelties of all sorts at H. G. Osteen and Co's book store.

## Well Satisfied with Ayer's Hair Vigor.

"Nearly forty years ago, after some weeks of sickness, my hair turned gray. I began using Ayer's Hair Vigor, and was so well satisfied with the results that I have never tried any other kind of dressing. It requires only an occasional application of

AYER'S Hair Vigor to keep my hair of good color, to remove dandruff, to heal itching humors, and prevent the hair from falling out. I never hesitate to recommend Ayer's medicine to my friends."—Mrs. H. M. HAIGHT, Avoca, Nebr.

**AYER'S Hair Vigor**

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Take Ayer's Sarsaparilla for the Complexion.

## TAX RETURNS FOR 1896-97.

OFFICE OF COUNTY AUDITOR SUMTER COUNTY.

SUMTER, S. C., Nov. 27, 1896.

RETURNS of all Personal Property and Poll Taxes will be received at this office from January 1st, 1897, to January 12th, 1897, and at the following times and places:

Mayesville, Tuesday, January 12th.  
Reid's Mill, Wednesday, January 13th.  
Mannville, Thursday, January 14th.  
Smithville, Friday, January 15th.  
Mechanicsville, Saturday, Jan. 16th.  
Kingman's Store, Monday, Jan. 18.  
Rembert's Store, Tuesday, Jan. 19.  
Hagood, Wednesday, January 20th.  
Stateburg, Thursday, January 21st.  
Wedgfield, Friday, January 22nd.  
R. I. Manning's, Saturday, Jan. 23rd.  
J. M. Tindal's, Monday, Jan. 25th.  
Bishopville, Tuesday and Wednesday, January 26th and 27th.  
Magnolia, Thursday, January 28th.  
Lynchburg, Friday, January 29th.  
Concord, Saturday, January 30th.  
Johnston's Store, Monday, Feb. 1st.  
Shiloh, Tuesday, February 2nd.

And at Auditor's office in the City of Sumter from February 3rd, to February 20th inclusive.

The law requires that all persons owning property or in anywise having charge of such property, either as agent, husband, guardian, trustee, executor, administrator, etc., return the same under oath to the Auditor, who requests all persons to be prompt in making their returns and save the 50 per cent. penalty which will be added to the property valuation of all persons who fail to make returns within the time prescribed by law.

Taxpayers return what they own on the first day of January, 1897.

Assessors and taxpayers will enter the first given name of the taxpayer in full, also make a separate return for each Township where the property is located and also in each and every case the No. of the School District must be given.

Every male citizen between the age of twenty-one and sixty years on the first day of January 1897, except those incapable of earning a support from being married or from other causes, shall be deemed taxable Polls, and except Confederate Soldiers 50 years of age, on Jan. 1st, 1897.

All returns must be made on or before the 20th day of February. I cannot take returns after that date. All returns made after the 20th day of February are subject to a penalty of 50 per cent.

A. B. HUCKEY, Auditor, Sumter County.

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BEST IN THE WORLD.  
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W. L. Douglas \$3.50, \$4.00 and \$5.00 Shoes are the productions of skilled workmen, from the best material possible to put into shoes sold at these prices.

The "Belmont" and "Pointed Toe" (shown in cuts) will be the leaders this season, but any other style desired may be obtained from our agents.

We use only the best Calf, Russia Calf (all colors), French Patent Calf, French, Enamel, Vici Kid, etc., graded to correspond with prices of the shoes. If dealer cannot supply you, write W. L. DOUGLAS, Brockton, Mass. CATALOGUE FREE.

We make also \$2.50 and \$2 shoes for men and \$2.50, \$2.00 and \$1.75 for boys. The full line for sale by

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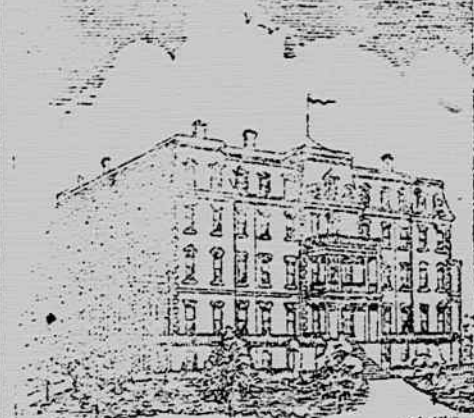
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Manager.

Sept. 30.

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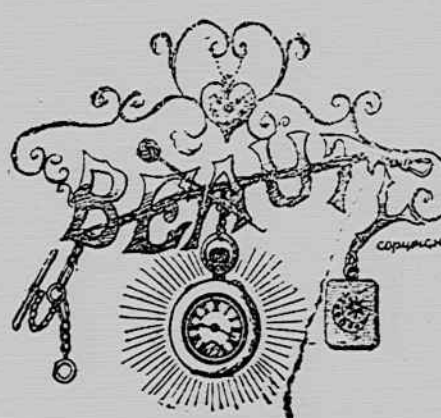
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Fresh Drugs Every Week.

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and all the charms which beauty likes best to don are shown in our grand display of fashionable jewelry for this season. Jewels like these would enhance the charms of the most fascinating belle, and surely no fair one would despise such brilliant aids to her beauty. Like personal loveliness, they conquer admiration on sight; they score new victories at every inspection. Those who look over our stock do not willingly stop with examination. Beauty may now be made easily irresistible by a few judicious purchases from our display of up to date jewelry.

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Jeweler and Optician,

SIGN OF THE BIG WATCH,  
Oct. 16.

**D. M. YOUNG,**  
ATTORNEY AT LAW.

Prompt attention to all business entrusted to him. Office on Court House Square, in Blanding office.

## TAX NOTICE.

NOTICE IS HEREBY GIVEN THAT the County Treasurer's books for the months of November and December, 1895, and the fiscal year 1896 will be open for the collection of said taxes from the 15th day of October, 1896, to the 31st day of December, 1896, inclusive, at his office in the County. The total tax rate is 10 4/5 mills, apportioned as follows:

For State purposes, 4 1/2 mills.  
For ordinary county tax 33-10 mills.  
For school tax 3 mills.  
There is also the following additional special school taxes levied in the school districts named:

Swimming Pans District No. 16, 2 mills.  
Bishopville " " 20, 4 " "  
Mayesville " " 18, 2 " "  
Sumter " " 1, 2 " "  
Middleton " " 2, 2 " "  
Mt. Clio " " 1, 2 " "  
Providence " " 1, 1 1/2 " "

All male citizens between the ages of 21 and 60 years, except those incapable of earning a support or otherwise exempted, are liable to a poll tax of one dollar.

The Treasurer would respectfully urge prompt payment inasmuch as there is no possibility of an extension. Those waiting until the last will be liable to serious delay and inconvenience as there is always a rush toward the end.

H. L. SCARBOROUGH,  
Treasurer Sumter County.

## Money to Lend

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